

09-29-04

3739

2pw



PATENT
Attorney Docket No. (0320-0014) HOOV 114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Michael D. Hooven)
Serial No.: 10/038,506)
Filed: November 9, 2001)
Group Art No.: 3739)
Examiner: Rosiland S. Rollins)
For: TRANSMURAL ABLATION DEVICE)
WITH PARALLEL JAWS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.:

EV459450076US

Date of Deposit September 28, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

NAME Kathleen Johnson

SIGNATURE Kathleen Johnson

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. § 1.97, Applicant hereby calls the Examiner's attention to the documents listed on the attached form, which documents may be material to the examination of this application. Copies of the documents are enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed document is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of the document herein is not to be construed as an admission that any subject matter disclosed in the document

is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of the document discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

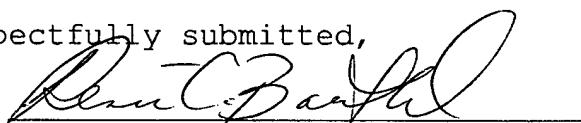
This Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits but before a final action or an action that closes prosecution. The first reference cited was first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/328,057 filed on December 23, 2002. The second and third cited references were first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/015,868 filed on December 12, 2001. Accordingly, pursuant to 37 C.F.R. § 1.97(e)(2), it is hereby stated: no item of this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best knowledge of the person signing this certification after making a reasonable inquiry, no item of information contained in this information disclosure statement was known to any

individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement. Consequently, as provided in 37 C.F.R. § 197(c), a fee under § 1.17(p) is not required for the filing of this information disclosure. However, if it is determined that an additional fee is required, then authorization is hereby granted to charge Deposit Account 50-1039 any additional fee required. (A duplicate copy of this document is enclosed.)

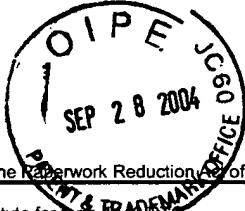
Respectfully submitted,

Date: September 28, 2004

By:



Renée C. Barthel, Esq.
Registration No. 48,356
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams St., Suite 2850
Chicago, IL 60606
Telephone: (312) 236-8500
Attorneys for Applicant



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1840-5

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/038,506
Filing Date	November 9, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Rollins
Attorney Docket Number	0320-0014 (HOOV 114)

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT
Attorney Docket No. 0320-0014 HOOV 114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Michael D. Hooven)
Serial No.: 10/038, 506)
Filed: November 9, 2001)
Group Art No.: 3739)
Examiner: Rosiland S. Rollins)
For: TRANSMURAL ABLATION DEVICE)
WITH PARALLEL JAWS)
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY "EXPRESS
MAIL"**

"Express Mail" Mailing Label No.:

EV 459450076 US

Date of Deposit September 28, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

NAME Kathleen Johnson

SIGNATURE Kathleen Johnson

Certificate of Mailing Under 37 CFR 1.10

I hereby certify that the correspondence listed below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, **Label No. EV 459450076 US** under 37 CFR 1.10 on **September 28, 2004** and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Transmittal Form PTO/SB/21 (1 sheet);
2. Information Disclosure Statement (3 sheets), in duplicate;
3. PTO/SB/08A (1 sheet);
4. U.S. Patent Publications (3);
5. Certificate of Mailing (1 sheet); and
6. Return Receipt Postcard.

Name: Kathleen Johnson

Signature: Kathleen Johnson



Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/038,506
		Filing Date	November 9, 2001
		First Named Inventor	Michael D. Hooven
		Group Art Unit	3739
		Examiner Name	Rosiland S. Rollins
Total Number of Pages in This Submission		Attorney Docket Number	(HOOV 114) 0320-0014

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawings(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Second Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	- 3 Patent Publications
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	- Certificate of Mailing
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	- Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		- PTO/SB/08A (1 sheet)
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
By U.S. Postal Service Express Mail Label No. EV 459450076 US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. Renée Barthel, Registration No. 48,356	
Signature		
Date	September 28, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as ~~first class~~ mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Kathleen Johnson	
Signature		Date
September 28, 2004		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.